



# U.S. Department of Transportation Federal Railroad Administration

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## Overview of Proposed Rail Legislation

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## Federal Railroad Safety Accountability and Improvement Act of 2007 (FRSAIA)–H.R. 1516 /S. 918

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DOT supports this reauthorization bill over H.R. 2095

The provisions of H.R. 2095, while not exactly the same, are very similar to this bill in regard to the core provisions

Core provisions:

- Review and reform the Federal hours of service requirements

- Establish a new risk reduction program alongside the current existing safety program, and

- Mandate reporting by States and railroads to the DOT's National Crossing Inventory



# Federal Railroad Safety Improvement Act of 2007 (FRSIA) – H.R. 2095

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Letter from DOT's General Counsel's office addressing DOT's analysis and views on H.R. 2095 was prepared and sent to Rep. Oberstars office in late May, 2007

A number of provisions in this bill are identical or very similar to the rail safety bill submitted by the FRA and introduced as H.R. 1516 and S. 918

DOT supported certain provisions and objected to others

The views and analysis in the May, 2007 letter were based on the original bill as it was introduced and the bill has since been marked up thus altering several provisions of the original bill

A revised analysis and views letter addressing the changed bill is needed but still in development



# FRSIA of 2007

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DOT supports certain provisions of the bill such as:

4 yr rail safety program reauthorization

Mandatory reporting to the National Crossing Inventory  
Authority

Authority to monitor railroad radio communications

Further specification of certain enforcement authorities

Addressing of railroad operating employee fatigue issue, i.e. hours of service  
rulemaking authority, with a caveat to instead insert the hours of service reform  
provision from H.R. 1518 / S. 918 in lieu of the Sections addressing this in H.R. 2095

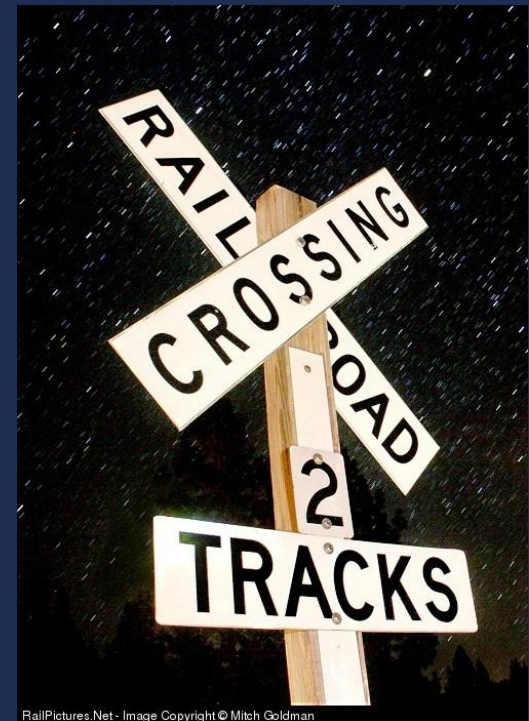
Improvement of the Departments overall railroad safety strategy and seeks  
Congressional support of a new safety risk reduction program



# Plans for the Future

## Safety Risk Reduction Program (SRRP)

- The Current Accident and Rule-Based Safety Culture
- Readiness for Change in U.S. Railroad Industry
- Background - HF Accidents
- SRRP Vision and Goal
- How to Reduce HF Accidents: Create Learning Culture
- An Overall View
- How we will do this

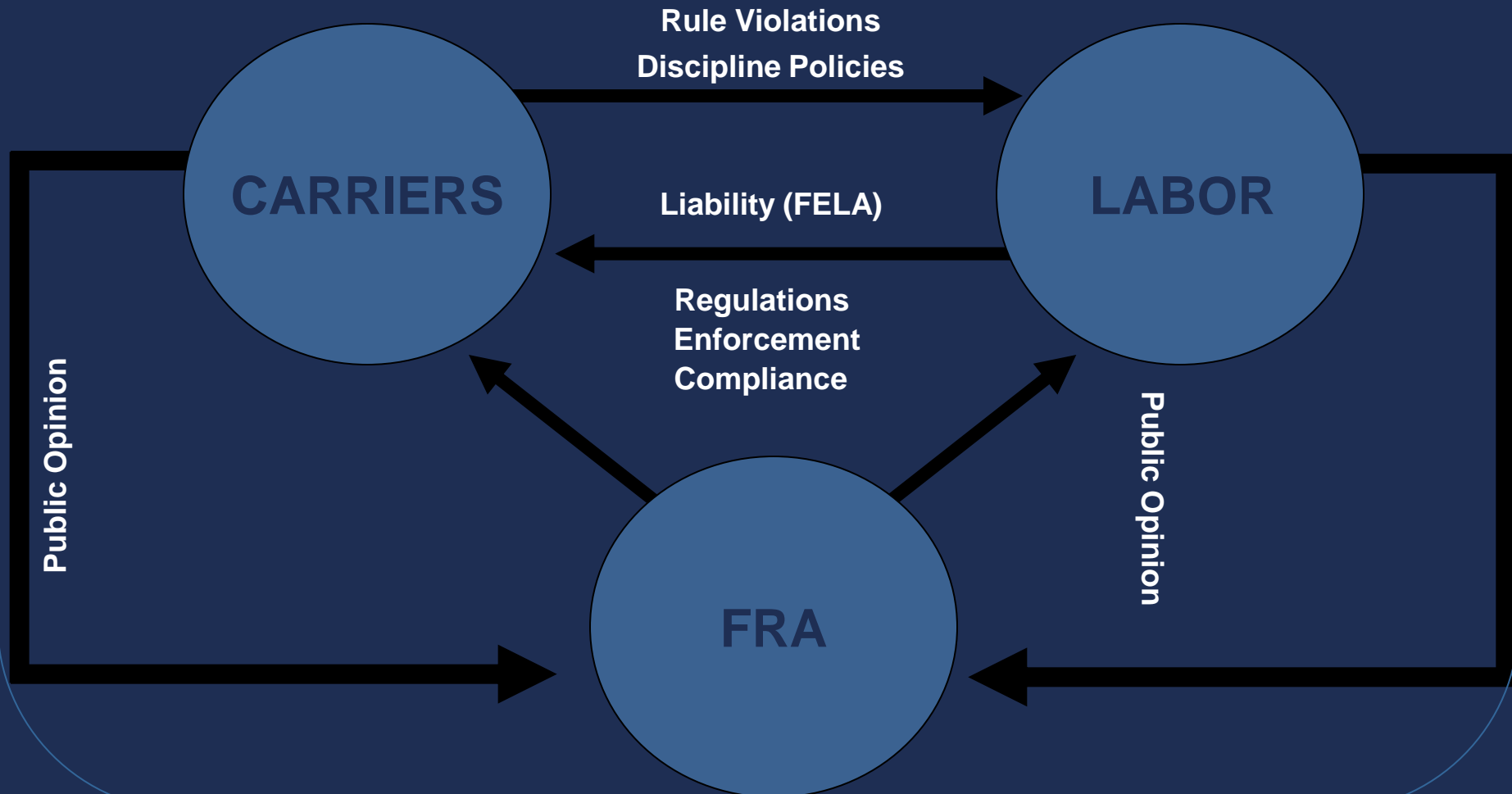


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# Plans for the Future

## Safety Risk Reduction Program (RRP) The Current Accident and Rule-Based Safety Culture





# Plans for the Future

## Safety Risk Reduction Program (RRP)

### Readiness for Change in U.S. Railroad Industry



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- 80,000 new employees to be hired in next 5 years: labor, management, senior leaders
- Strong organizational culture
- Recognition of need and opportunity for change

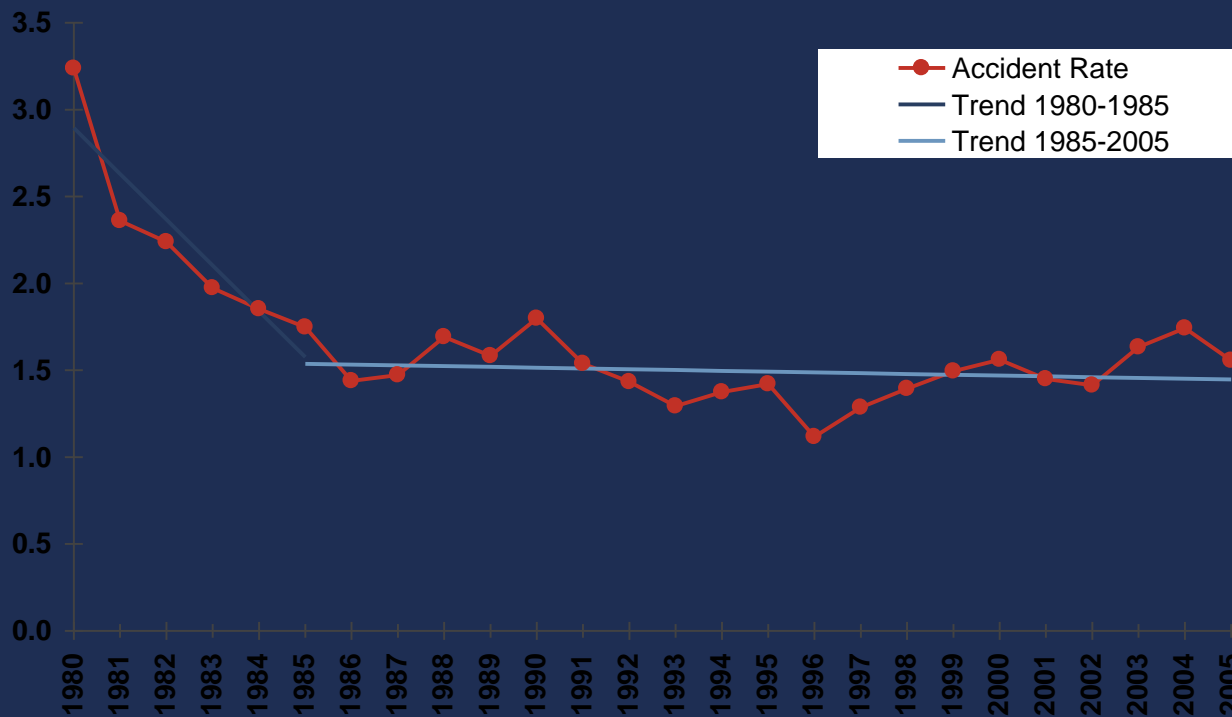


# Plans for the Future

## Safety Risk Reduction Program (RRP)

### Background - HF Accidents

Human Factors-Caused Accidents Per Million Train-Miles



- Nearly 50% reduction from 1980-85
- No change from 1985 – present

While the decrease between 1980 and 1985 is significant ( $t(4) = -.910, p < .05$ ), there is insufficient evidence to suggest the rate decreased between 1985 and 2005 ( $t(19) = -.115, p > .05$ )





# Plans for the Future

## Safety Risk Reduction Program (RRP)

### Vision

### Goal

- Better management and use of precursor (predictive) data not just reactive data
- A safety learning culture that allows open disclosure about safety without fear
- To reduce accidents in the North American railroad industry by 50 percent in the next five years through the use of precursor data.



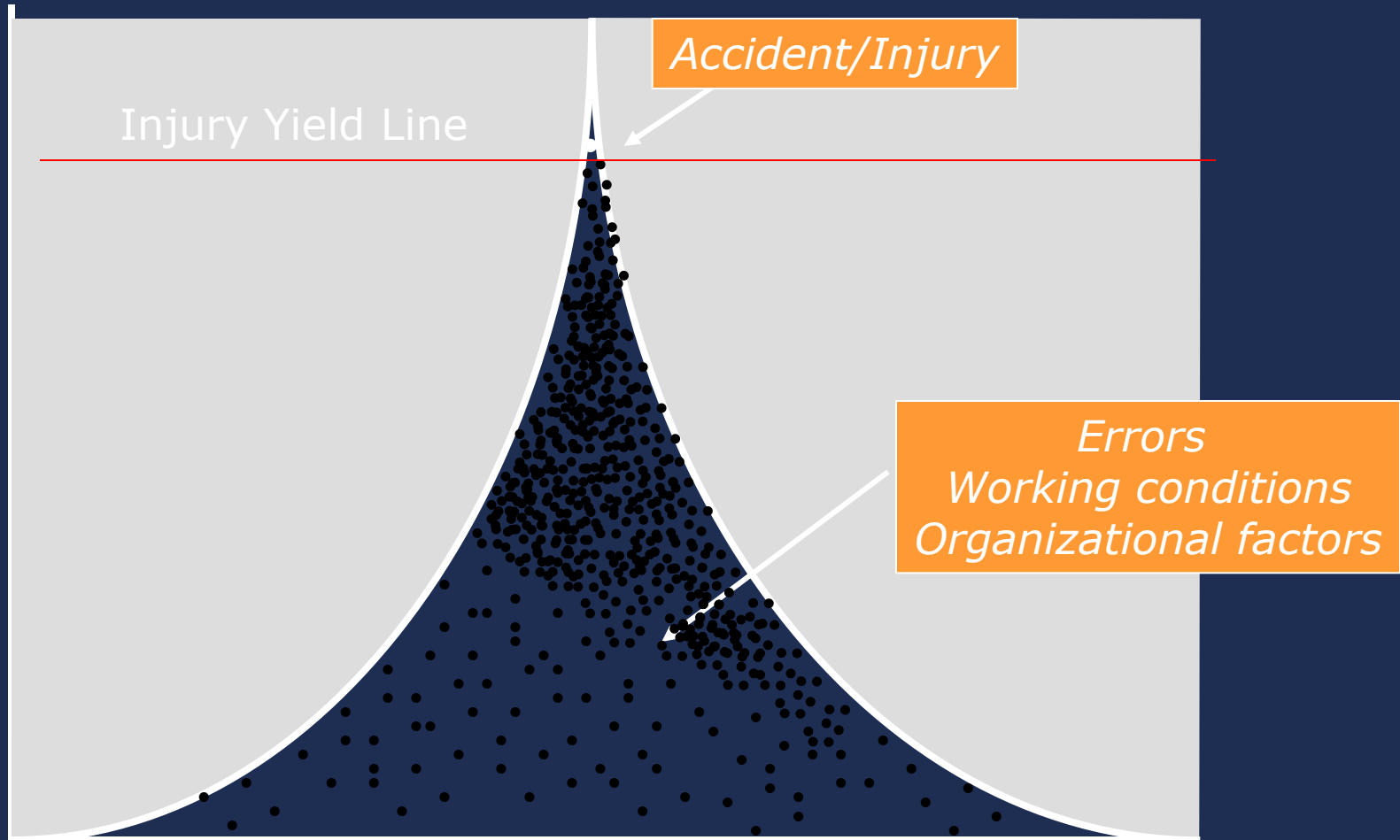


# Plans for the Future

## Safety Risk Reduction Program (RRP)

### How to Reduce HF Accidents: Create Learning Culture

Errors, Conditions



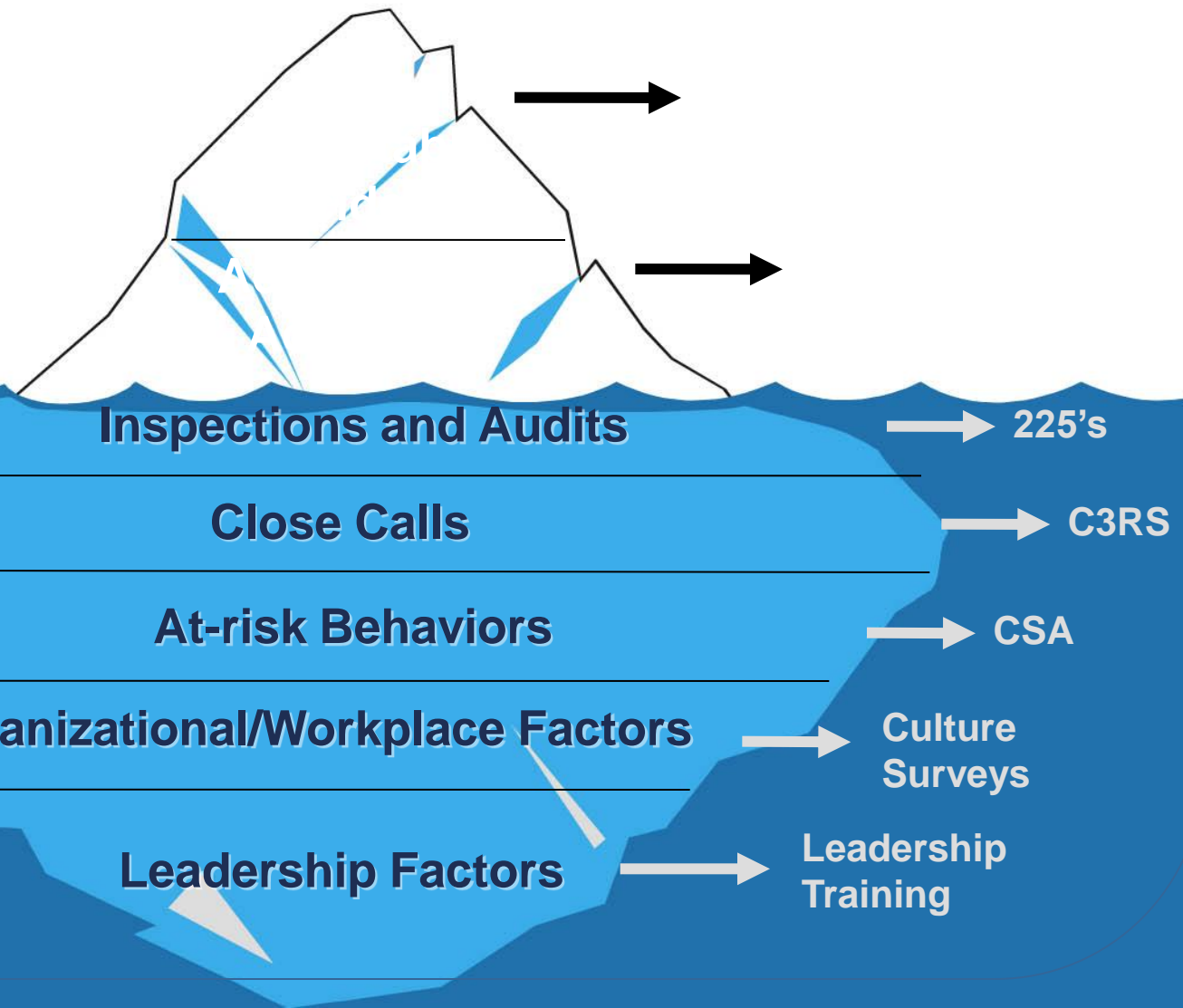
# Plans for the Future

## Safety Risk Reduction Program (RRP)

### An Overall View

**Reactive Risk Management Systems**

**Proactive Risk Management**

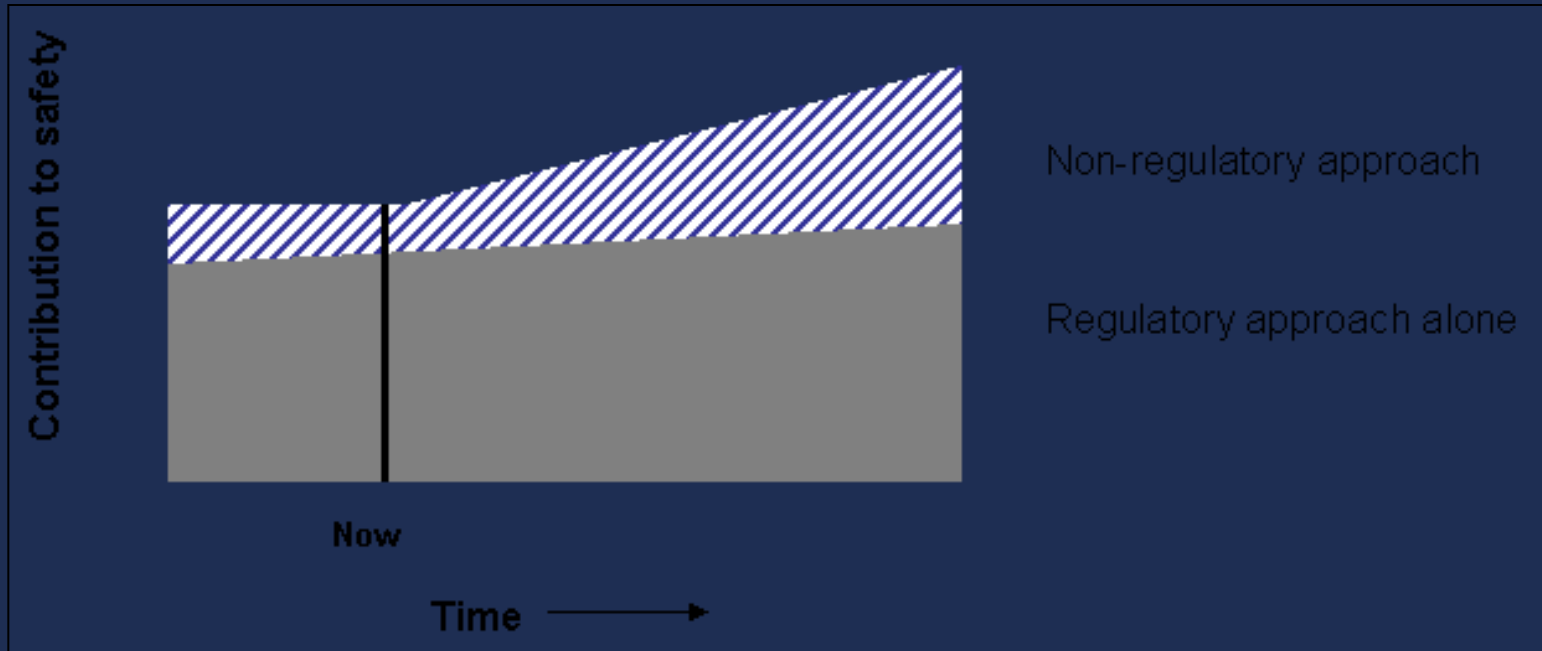




# Plans for the Future

## Safety Risk Reduction Program (RRP)

### How we will do this



**Continue to strengthen regulatory enforcement approaches while adding complementary nonenforcement approaches**



# FRSIA of 2007

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DOT did not support other provisions of the bill as proposed, such as:

Certain aspects of the whistleblower provision as written in the original bill as proposed, for example:

- the clarity of the “protected disclosure” definition as it would apply to disclosure of classified information
- the misdemeanor penalty for the criminal offense of retaliating against a RR employee whistleblower is not consistent with a parallel Federal criminal provision and should be raised to a felony to reflect the crucial importance of deterring such retaliation



# FRSIA of 2007

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The rulemaking mandates as addressed in the proposed bill from the aspect that:

- they do not permit the Secretary to set rulemaking priorities based on current safety data and the state of the art to maximize RR safety, and
- many of the mandated rulemakings are due simultaneously and the time specified for completion of them are far too short
- one of the mandated rulemakings with a limited anti-preemption provision that would prohibit the creation of a nationally uniform standard on removal of vegetation that obstructs highway users view at grade crossings.

The mandating of plans to implement positive train control which DOT feels is premature at this time given cost/funding issues and present degree of maturation of the technology as reported to Congress a letter to congress in 2000 and FRA's cost/benefit report to Congress in 2004



# FRSIA of 2007

The renaming of the FRA to the FRSA and the creating of a new position of CSO is unnecessary:

- Safety is already the agency's stated highest priority as evidenced by the majority of the agency's budget and staffing being directed to safety and FRA's objectives as stated in DOT's Strategic Plan.
- would result in a time consuming and potentially costly re-writing of FRA regulations and internal documents with no added benefit to safety
- would obscure non-safety functions that the agency advises the Secretary on, such as rail industry economic issues, issues related to rail mergers, technical assistance to developing nations, financial assistance to Amtrak and rail labor contract disputes.
- a CSO position is unnecessary since FRA already has an Associate Administrator for Safety whose function is focusing on rail safety.





# Questions

Still have questions  
or concerns?



- Contact me at 202.493.6315
- Visit FRA's web page at [www.fra.dot.gov](http://www.fra.dot.gov)
- Visit PHMSA's web page at <http://hazmat.dot.gov>
- E-mail me at [kevin.blackwell@dot.gov](mailto:kevin.blackwell@dot.gov)
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